

July 29, 2004

Honorable Judge Judith Dein
United States Magistrate Judge
Suite 6410, U.S. Courthouse
1 Courthouse Way, Boston, MA. 02210

Honorable Judge Dein,

My name is James Hart. My case number is #04 10119 MEL. I wrote to you last June 6, 2004, expressing a few urgent concerns, one of which is my present medical condition. You produced an order in kind, directed to my counsel, Atty. Catherine Byrne. Thank you so very much for your attention and consideration given to my concerns. I am grateful.

To date, Plymouth Correctional Facility continues to ignore my requests for medical attention. It appears the institution has ignored Atty. Byne's request for attention as of July 7, 2004.

The growth in my brain was discovered in March, 2003. My scan was performed at Lahey Clinic, Peabody, MA., on March, 2003. My physician is Dr. Tchlman, Lahey Essex, Essex, MA. On May 15, 2004, I was told my request to see a Doctor was approved. I reported to medical here, only to undergo an uncomfortable interrogation by a Ms. Feeney. I was attacked verbally, accused, and repeatedly I was confronted with my Federal charges, and I was demanded to admit or deny my charges. She leveled sarcastic accusations of me, and I

asked if my medical care was being deliberately withheld, so as to coerce a confession.

This was a difficult experience I have done nothing while in custody the past 6 months to merit this hostile harassment, Judge Dein. I have been a model inmate. I teach the Bible to study groups a few hours each day. I show the officers respect.

So, I do not feel that I will receive the follow-up diagnostics that I need. And, I honestly fear further repercussions or reprisals if I insist on getting medical attention. Furthermore, Plymouth does not have the facilities to conduct tests or provide ongoing care.

I have enclosed a copy of my response letter to Atty Byrne. In it, I detail the unexplainable encounter with medical staff. I have requested of her, that she take my problem to the U.S. Marshals, who could transfer me to Ft. Devens for treatment. As I write this, my left arm is numb, and just this morning I experienced a fainting spell.

I do not wish to become a target of abuse. I don't think I deserve any further inhumane treatment. Once again, I am 50 years old, a U.S. Marine veteran, and an ordained minister since 1987. I have a growing fear that my condition might worsen, and irreversibly so.

Thank you for your kind consideration, Judge Dein.

Sincerely,

James Hart # 37565

July 28, 2004

Dear Atty. Byne,

Hello, how are you today? I am in receipt of your letter dated July 26, 2004, wherein you inquired of the response of the medical personnel here at Plymouth, to my medical condition. I should acknowledge your letter dated July 7th, 2004 as well, and the enclosed letter addressed to Mr. Antone Moniz, Director of Security. Thank you very much, Atty. Byne.

To date, I have not received any medical attention whatsoever - every month or so, I submit a request for Motrin, and with the exception of a week or so, I have received 2-3 Motrin / Aspirin / or Tylenol twice a day.

That is the extent of my care here thus far.

new inmate processing } I would like to remind you, that I have seen a Doctor once, on April 22nd, a brief interview whereupon he assessed my condition serious enough to merit a request from F.C.C.F. Middleton for my medical records, Lahey Clinic Peabody as well as my Physician, Dr. Tohlman of Lahey Essex, Essex, MA. I signed a medical release to that end.

I submitted approx. 5 requests to see the Doctor, or medical staff here for follow-up. On May 15, 2004, I was called to the medical office. I was told I would be seeing a 'Doctor'. At approx. 1:50 pm that day I met a woman on staff, a Ms. Feeny (Kathy or Donna?). I was greatly relieved, that at long last I was granted a visit with a doctor. This woman began to verbally attack me, saying "I don't understand you people - you go and steal and rip people off, then suddenly you have life threatening problems - when did you get this brain growth, while you were ripping people off?" She continued, "The Feds have you, and they don't get involved unless they have you! So

facility, like Ft. Devens, for proper care.

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maam. "Yeah right", Ms. Feeley responded. She continued, "how many people did you rip off?" "5 Counts, right?" "What did you do with all the money? Where did all the money go? Mr. Hart, this is not a conspiracy against you - you did something bad, and now you won't own up to it, right?" Then again, "How much money is involved, Millions?" "Be honest with me."

I then asked her why she was attacking me, why she was so hostile, so indignant, full of contempt - She answered, "So where is the money?" She continued to 'needle' me, all the while smiling and smirking. I was caught off guard completely. I didn't expect to be harassed by a doctor at Plymouth. I was very shaken. She then told me they would try to collect my records - I told her that I had experienced many episodes of these seizures while at Plymouth. This was emotional upheaval for me.

Atty Byrne, Plymouth does not have the facilities to render further diagnostic treatment, and I genuinely feel I will be subject to further harassment and mistreatment if I persist in seeking medical help. This is my first time incarcerated - I have been a model inmate for the past 6 mos., I spend a few hours each day teaching the Bible to several study groups here, mostly hispanic/Latin INS inmates. I am earnestly seeking to 'make the very best' of an impossible situation. I have yet to receive a single visitor. My Pastor, George Ivabor, was contacted by a woman Secret Service agent and told that if he continued to demonstrate support for me, that he and his ministry would be subject to Federal investigation. My few remaining close friends, Hart & Sandra Dinkins, of Garland, Texas, were contacted by S.S. agent Kimberly Dawd. Both Hart and I are Marine Corps veterans, he having retired a Colonel. So, any support that I had, has been systematically intimidated by Federal agents, and for no purpose. Now, I feel that medical aid is being withheld as coercion in interrogating me. I expressed in my past letter to you, my real fears for my health, that I am not well. Atty Byrne, I read the order by Magistrate Judge Dein - I am requesting that you, Atty Byrne, make request to the Federal Marshalls, that I be transferred to a medical facility, like Ft. Devens, for proper care.

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I don't deserve any further harassment here. I brought this to your attention on April 26th. My former private Atty. Ray Buso, was also made aware of my medical condition since 2003. Is it necessary that I continue to suffer, or continue to receive inhumane treatment?

I think that you agree, Atty Byrne, that I should not. I request that you act on the best interests of me, your client.

I wish to thank you for following up on my request to retrieve the '5 Boxes' that agent Kimberley Dowd instructed me to make arrangements to recover on April 21st, 2004. As I wrote in my previous letter, did she/her agency also return my wallet with I.D.'s, credit cards, and the 2 cell phones, a Nextel I95, and a Sprint Treo 600? I checked these items out as my personal property when I was transferred out of Middleton to Plymouth. I signed for them, and Agent Dowd told me I would get them, but I have not heard from you about these items. Could you please recover these items as well? I have enclosed a copy of the property receipt with my signature.

Lastly, on April 26th, you were going to inquire as to the specifics of the 6 counts on my indictment. In your letter, you mention 'victims named' in my indictment, and recent, I assume, discovery. I have only received the few pages you provided me on June 2nd, Rule 16, copies of search warrants, etc. Please forward any discovery you have beyond that to me, if you would.

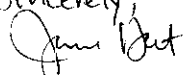
Also, I have never received any 'inventory' list of items seized - I was sent a page citing 'return list' but it was blank. Do I have the right to obtain the government's inventory of seized items? Please inform me.

Also, at our meeting here at Plymouth on June 18th, 2004 you indicated you were going to make investigation into my statements of extenuating & mitigating facts and persons - have you determined anything from your findings? Also, I informed you that I believed that counts #1 & #2 on my indictment were debts included in my Bankruptcy. -

4. My filing date was 11/15/2001, and the date of discharge was 5/14/2002 - Atty William Harris represented me. The petition # was #C1-18715. You told me at that time that you would obtain my complete Bankruptcy files. If you have, could you forward those same to me? I cannot obtain them as an inmate.

During our meeting on June 18th, you told me outright that you didn't believe me, and you told me that you felt that I was 'obsessed', and that you were going to order a psychological test for me, and if I would object to such a test. I told you I had no reason to object, but I didn't understand the purpose for such a test. Can I expect to hear from you on this, your proposed psychological testing?

Thank you in advance for your response - I do hope you are enjoying a pleasant 'New England' summer season.

Sincerely,


James Hart #37565
c.c. Magistrate Judge Judith Dein